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records of July 6, and struck it out of the records of July 7th. Our editor finds from a comparison of other records that Madison's first entry was probably correct. The plan pursued in the work is that of gathering together the records of each day's session of the Convention from the various sources, and printing them in regular order. Thus for the session of May 31st, 1787, we have the "Journal," Madison's Notes, Yates, King's, Pierce's and McHenry's; and so for each day the Convention sat, the notes taken by Paterson, Hamilton and Mason in addition to those just mentioned, being incorporated. The first two volumes are taken up with the proceedings thus arranged, together with the proceedings of the Convention as referred to the committee on style and arrangement, as compiled by the editor; the report of that committee, in which they changed the wording of the preamble from "We the people of the States of New Hampshire, Massachusetts," etc., which had been unanimously adopted on August 7th, to "We, the people of the United States," the phrase that was subsequently used with such effect to prove that the Constitution "was not ratified by the States, but by the people of the whole land in their aggregate capacity."

Volume III contains supplementary material. Appendix A contains a mass of interesting material, letters, contributions to the press, debates, etc., that throw much light on the work of the convention and, what is almost as interesting, on the opinions and personalities of the members.

Appendix B contains a list of the delegates to the Convention with a record of their attendance. Appendix C, D, E, and F, contain the plans of government submitted to the Convention by Randolph, Pinckney, Paterson and Hamilton, respectively. A very valuable mechanical feature of the work is the double index: one, an index by clauses, by which everything embodied in the final draft of the Constitution may be easily traced; the other a general index. It would be difficult to say too much in praise of the devotedness of the editor to the herculean task involved in the preparation of such a work, or in recognition of the ripe scholarship that characterizes the undertaking throughout.

W. E. Mikell.

THE LAW OF CONTRACTS. By Clarence D. Ashley. Boston: Little, Brown and Company. 1911.

The fascination of the law of contracts has attracted so many commentators in the last half century that the profession, through self defence, demands justification for any new work on this subject. Clarence D. Ashley, Dean of the faculty of law in New York University, finds a justification which would inure to the benefit of the great majority of commentators. He considers it the duty of a teacher to give permanent form to the thoughts which classroom experience has suggested to him and thinks such a course justified, "if the work is sufficiently strong to invite attack and criticism on the part of well-informed thinkers."

To the practical lawyer in search of concrete propositions of law and cases to support them, Mr. Ashley's book will be of little use, for the author warns them that "there has been no attempt to prepare a digest of decided cases." To the student of only average brilliance who has no knowledge of the subject, or only a confused understanding of it, the book will be of little more value. It is not, speaking narrowly, a text book at all. It is rather a collection of connected essays on the subject, dealing not so much with the law as such, but with the metaphysics of the law. The work shows throughout a fund of learning in legal history and yet the writer's position is that of a radical. He considers the doctrine of consideration "accidental and unnecessary." He is insistent for the modern conception of a contract as an agreement requiring an *aggregatio mentium* and strives to find mutual assent in every transaction giving rise to a right of action in assumption. He thinks this branch of the law

only half formed and in many instances points out the imperfections of the unfinished structure.

To the theoretical student who has mastered the fundamental principles of contract law, or to the practitioner who delights in the law as the refinement of reason, the book will make its strongest appeal. The treatment of the subject shows a mind trained in the most careful and accurate analysis and the division and arrangement leaves little to be desired. The propositions laid down by the author are carefully, almost guardedly, worded, and suggest in many instances, the result of hair-splitting discussion in the class room. The book is full of new thought and new points of view which arouse the love of discussion inherent in the profession. The personality of the author is injected into the work to a greater degree than is common in legal text books. The style is very clear and concise and so forceful as to seem at times combative.

There is room for works of this type in other branches of the law and Mr. Ashley's book will be found to be a valuable addition to the authorities on its subject.

F. L. B.